

IN THE IOWA DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT

IN RE SCHEDULING OF ARRAIGNMENTS
IN POLK COUNTY INDICTABLE CRIMINAL
CASES

ADMINISTRATIVE ORDER 2015-32

WHEREAS, pursuant to Iowa Rule of Criminal Procedure 2.33(2)(a) when an indictment is not found or a trial information is not filed and found against the defendant within forty-five (45) days of arrest, the Court must order the prosecution to be dismissed, unless good cause to the contrary is shown, or the defendant waives speedy indictment; and

WHEREAS, Iowa Rule of Criminal Procedure 2.8(1) provides arraignment shall be conducted as soon as practicable after the filing of an indictment and trial information; and

WHEREAS, upon the implementation of EDMS in Polk County, the Court established a practice of scheduling arraignments fifty (50) days from the date of arrest in order to facilitate the practice of electronically filing written arraignments by defendants; and

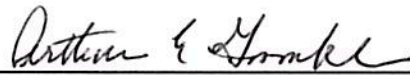
WHEREAS, the Court now finds that (1) use of written arraignments has not substantially increased in Polk County after the implementation of EDMS; (2) the scheduling of arraignments fifty (50) days after arrest has caused a delay in the speedy disposition of cases; and (3) the scheduling of arraignments more than forty-five (45) days after arrest has resulted in the unintended consequence of some dismissals for failure of speedy indictment.

NOW THEREFORE, IT IS HEREBY ORDERED: In Polk County, Court Administration shall schedule arraignments in indictable criminal cases forty-five (45) days after arrest for defendants who are released from custody on bail, pre-trial release or their own recognizance. The Polk County Attorney shall endeavor to file trial information or indictments within forty-two (42) days after arrest to facilitate a prompt arraignment.

IT IS FURTHER ORDERED: For defendants who have not been released from custody, the County Attorney shall endeavor to file trial information on indictments no later than thirty (30) days after arrest so that expedited arraignments can be conducted in the jail court within thirty (30) days after arrest. The Court will schedule expedited arraignments for in-custody defendants in the jail courtroom.

IT IS FURTHER ORDERED: This Administrative Order shall be effective immediately.

DATED this 29th day of April, 2015.


ARTHUR E. GAMBLE, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

FILED
POLK COUNTY, IA.
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CLERK DISTRICT COURT